

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATTHEW JAMES LINDSAY,

Plaintiff,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

CASE NO. C18-0137-JCC

ORDER

This matter comes before the Court *sua sponte*. On February 5, 2018, Magistrate Judge Mary Alice Theiler granted Plaintiff's motion to proceed *in forma pauperis* and recommended the complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons. (Dkt. No. 3.) After reviewing the complaint, the Court concluded Plaintiff failed to state a claim upon which relief could be granted. (Dkt. No. 5.) The Court directed Plaintiff to file an amended complaint within 14 days. (*Id.*) Plaintiff has not done so.

Plaintiff lists as Defendants Donald J. Trump, Mike Pence, James Norman Mattis, Ronna Romney McDaniel, and Bob Paduchik (Dkt. No. 4 at 1–2.) Plaintiff alleges violations of 18 U.S.C. § 205(d)(1), the Nuclear Non-Proliferation Act of 1978, 22 U.S.C. § 3201, 10 U.S.C. § 108 Armed Forces, House of Representatives Legislation, H.R. 8638, and the United Nations Nuclear Resolution and International Peace Maintenance Agreement. (*Id.* at 5.) He seeks the following relief: “Reconciliation of federal liabilities and termination of incompetent and

1 insufficient representation by the Governmental Fiduciary Agents” (*Id.*) Plaintiff includes no  
2 factual allegations about how he was harmed or how the Defendants violated the above  
3 provisions, but attached three documents to his complaint—an article from the website  
4 Wikipedia.org, a one page informational document on the Treaty on the Non-Proliferation of  
5 Nuclear Weapons, and a Resolution from the United Nations Security Council adopted on  
6 November 21, 2017. (Dkt. No. 4-1.)

7 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*  
8 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or  
9 seeks monetary relief from a defendant who is immune from such relief. “[A] complaint must  
10 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its  
11 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.  
12 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that  
13 allows the court to draw the reasonable inference that the defendant is liable for the misconduct  
14 alleged.” *Iqbal*, 556 U.S. at 678.

15 Plaintiff has neither presented a cognizable legal claim nor alleged facts that demonstrate  
16 his claim for relief is plausible. Plaintiff makes conclusory allegations that Defendant has  
17 violated federal laws and treaties, without providing any facts to support the claims. (Dkt. No. 4  
18 at 2–5.) The attachments to Plaintiff’s complaint do not help the Court to decipher his legal  
19 theories, nor do they represent plausible allegations that demonstrate Defendants violated the  
20 law.

21 Plaintiff also fails to articulate a cause of action that supports his claims. Plaintiff cites to  
22 18 U.S.C. § 205, but that is a federal criminal statute that prohibits executive branch employees  
23 from representing non-government entities in front of federal agencies. He references 22 U.S.C.  
24 § 320, which is a Congressional declaration regarding the use and transfer of nuclear materials.  
25 The other provisions he cites are not laws. (*See* Dkt. No. 4 at 5) (House of Representatives  
26 Legislation, H.R. 8638, and the United Nations Nuclear Resolution and International Peace

1 Maintenance Agreement.) Plaintiff's claims are also frivolous because they lack "an arguable  
2 basis in fact or law." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

3 Even in applying the Ninth Circuit's directive to construe *pro se* complaints liberally, the  
4 Court cannot find that Plaintiff has stated a claim upon which relief can be granted. *See Hebbe v.*  
5 *Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). Further, Plaintiff failed to file an amended complaint  
6 after given an opportunity by the Court.

7 For those reasons, the Court DISMISSES Plaintiff's complaint without prejudice and  
8 without further leave to amend.

9 DATED this 22nd day of February 2018.

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13 John C. Coughenour  
14 UNITED STATES DISTRICT JUDGE  
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